

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1, 2, 4, and 5. These sheets, which includes Figures 1, 2, 4, and 5, replace the original sheets including Figures 1, 2, 4, and 5. In Figure 1, elements 114 and 112 have been removed. In Figure 2, element 22 has been removed. In Figure 4, element 94 has been removed. In Figure 5, previously omitted elements 142 and 146 have been added. No new matter has been added.

Attachments: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS

I. Status of the Claims:

Claims 1-26 and 28-36 are pending. Claim 27 has been canceled without prejudice. Claims 1-4, 7-9, 14-20, 25, 26, 30-33 have been amended to clarify the invention. None of the amendments introduce new matter.

The Examiner has rejected claims 1-36 under 35 U.S.C. §112 as being indefinite. The Examiner has rejected claims 1-4, 8, 12, 13, 15, 16, 18, 19, 22-24, 26-29, and 31-35 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2005/0145459 to Lu ("Lu"). The Examiner has rejected claims 1, 2, 8, 12-16, 18, 19, 22-27 and 31-36 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,898,823 to Tsai ("Tsai"). The Examiner has rejected claims 5-7, 9-11, 17, 20, 21, and 30 under 35 U.S.C. §103(a) as being unpatentable over the references as applied to claims 2, 8, 16, 19, and 27 and further in view of U.S. Patent No. 6,668,423 to Chen ("Chen").

II. Objections to the Specification

The Examiner has objected to the specification due to informalities. In response, Applicants have amended the specification to replace the referenced application with the issued patent number. Applicant believes that this amendment obviates the Examiner's objection.

III. Objections to the Drawings

The Examiner has objected to the drawings under 37 C.F.R. §1.84(p)(5) because the feature "142" does not appear to be identified. Applicants have added reference number "142" to Figure 5, as shown in the attached Replacement Sheets and Annotated Sheets.

The Examiner has objected to the drawings under 37 C.F.R. §1.84(p)(5) because features 22, 94, 112 and 114 do not appear to have been described. Applicants have removed reference numbers 22, 94, 112 and 114, as shown in the attached Replacement Sheets and Annotated Sheets.

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a) because the axis of elongation and the dividing line must be shown. Applicants submit that the dividing line is shown in Figure 4 by reference number 144. Applicants have added reference number 146 to Figure 4 to show the axis of elongation, as depicted in the attached Replacement Sheets and Annotated Sheets.

IV. Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 1-36 under 35 U.S.C. §112 as being indefinite. Applicants have amended claims 4, 7, 8, and 29 to recite a “joint lock member.” Applicants have amended claims 14 and 25 to remedy the antecedent basis rejection. Applicants have amended the claims by removing the various “adapted to” and “capable of” references. Applicants believe that the amended claims more particularly point out and distinctly claim the subject matter of the Applicants’ invention.

V. Rejection Under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 2, 8, 12-16, 18, 19, 22-27 and 31-36 as being anticipated by Tsai. Applicants respectfully traverse. In the Office Action, the Examiner alleges that Tsai’s first bar member, which is represented by character number 96 defines a joint lock member as recited in the claims noted above. The Examiner suggests that the first bar 96 is a joint lock member because such structure would be capable of preventing lateral slipping of Tsai’s handle and tubular member. Applicants respectfully draw the Examiner’s attention to the

language of independent claims 1, 15 and 26, each of which recite that the joint lock member pivotally connects the handle to the tubular member. The first bar of Tsai does not pivotally connect the handle to the tubular member. Instead, the function of the first bar member (as well as the connector and second bar member) is to lock and unlock the retractable tubes by communicating with a connector and second bar member and remotely activating a controller to lock or unlock the tubular members.

Further, the Examiner alleges that the shaft member 84 of Tsai is a first member as recited in the claims. Amended claim 1 recites that the first member is external and spaced from the joint lock member. Even if the first bar of Tsai is construed as a joint lock member, the shaft 84 is not a first member external to and spaced from the joint lock member. Additionally, amended claim 15 further recites that the first member and the first protrusion form a unitary structure. Applicants submit that Tsai does not disclose or suggest the joint lock member and the first member structure recited in claim 15. Additionally, independent claim 26 further recites “a second member residing in the internal volume of the tubular member and including at least one second protrusion adapted to align with the at least one first protrusion.” The Examiner has acknowledged that this feature is not disclosed by Tsai nor rendered obvious by Tsai. Accordingly, Applicants respectively submit that Tsai does not anticipate or render obvious independent claim 1, 15 and 26. For at least the reasons stated above, the dependent claims are not anticipated or rendered obvious by Tsai. Applicant’s respectfully request that the rejection of claims 1, 2, 8, 12-16, 18, 19, 22-27 and 31-36 be withdrawn.

Claims 1-4, 8, 12, 13, 15, 16, 18, 19, 22-24, 26-29, and 31-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Lu. Applicants respectfully traverse. The Examiner

alleges that the positioning rod 32 and the control lever 12 of Lu are the first member and the joint lock member, respectively, as recited in the claims. Even assuming *arguendo* that the positioning rod is a first member and the control lever 12 is a joint lock member, the positioning rod of Lu is not external to and spaced from the control lever. Additionally, Lu does not disclose or suggest a first bar including a first protrusion in communication with the internal volume of the tubular member, as recited in amended claims 1 and 15. The Examiner alleges that the keys represented by character number 321 are protrusions as recited in the claims. However, the keys of Lu are not in communication with the internal volume of the tubular member as depicted in the figures of Lu. Further, Lu does not disclose or suggest a second member residing in the internal volume of the tubular member and including at least one second protrusion adapted to align with the at least one first protrusion as recited in amended claim 26. Thus, like Tsai, Lu does not anticipate or render obvious the present claims. For at least these reasons, amended independent claims 1, 15 and 26 and claims 2-4, 8, 12-13, claims 16, 18, 19 and 22-24, and claims 27-29 and 31-35, which depend respectively therefrom, are in condition for allowance.

VI. Rejections under 35 U.S.C. §103(a)

Claims 5-7, 9-11, 17, 20, 21, and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over the references as applied to claims 2, 8, 16, 19, and 27 and further in view of Chen.

As discussed above, neither Tsai nor Lu disclose or suggest various features of the independent claims. Chen does not remedy the many deficiencies of Tsai and Lu. Chen is discloses a luggage pull rod control device. Chen does not disclose or even remotely suggest a pivotable handle. As such, there would be no motivation to combine Chen with either Tsai or Lu but more importantly even in combination with Tsai, Lu or both, Chen does not disclose or

suggest the features of the claims discussed above. Accordingly, whether taken alone or in combination, Tsai, Lu and Chen do not render obvious the present claims. Applicants respectfully submit that claims are allowable over the prior art of record and request that the rejection to the claims be withdrawn.


VII. Conclusion

In view of the foregoing remarks, favorable consideration and allowance of claims 1, 3-15, 17-26, and 28-36 is respectfully requested. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance prosecution of this application.

Applicants respectfully request a one-month extension of time. Please charge the deposit account 02-4377 for any required fees for the two-month extension fee. If there are any additional charges, please charge our deposit account 02-4377, or credit our deposit account for any overpayments.

Respectfully submitted,

BAKER BOTTS L.L.P.

By: 

Gary M. Butter
Patent Office Reg. No. 33,841

Lisa A. Chiarini
Patent Office Reg. No. 50,932
30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
Attorneys for Applicants
212-408-2546